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FEB 06 2004

Docket No. 005369/00015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

APPLICANT: Dale Brown et al. **EXAMINER:** Webman
SERIAL NO.: 10/005,902 **GROUP:** 1617
FILED: December 4, 2001
FOR: Biofilm Therapy Process and Elements

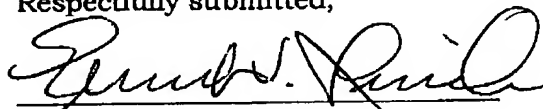
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
FILED VIA FACSIMILE TO: (703) 872-9306 (7 Pages)

Sir:

REQUEST FOR EXTENSION OF TIME

Applicant respectfully requests a one month extension of time for filing the attached Response to the Restriction Requirement. The Action is dated January 2, 2004, making the first (no fee) response deadline February 2, 2004. The requested one month extension makes the deadline March 2, 2004. Please charge the extension fee to our Deposit Account- No. 19-0733.

Respectfully submitted,



Ernest V. Linek (29,822)
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Date: February 6, 2004

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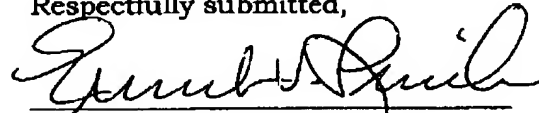
Sir:

ELECTION/RESTRICTION RESPONSE

In response to the Election/Restriction Requirement dated January 2, 2004, which had a one-month response period, Applicant hereby elects Group I, corresponding to Claims 1-7.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so. Thus the Examiner is hereby invited to call the undersigned, collect, at the number shown.

Respectfully submitted,



Ernest V. Linek (29,822)
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E-Mail: ELinek@bannerwitcoff.com

Date: February 6, 2004

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U.S.S.N. 10/005,902
Page No. 2

CLAIM LISTING:

Following entry of this response, the status of the claims in this application will be as follows:

1. (Original) A self-treatment process for periodontal patients with gingival detachment of about 3 mm and greater, comprising regularly physically removing biofilms from supragingival, interproximal and subgingival tooth surfaces by sequentially administering soft abrasives into said biofilms using toothbrushing, proxy brushing and flossing devices.
2. (Original) A self-treatment process for periodontal patients with gingival detachment of about 3 mm and greater and with a risk of heart disease, comprising regularly physically removing biofilms from supragingival, interproximal and subgingival tooth surfaces and simultaneously controlling inflammation related substances associated with heart disease by sequentially administering soft abrasives onto:
 - a. supragingival tooth surfaces with toothbrushing,
 - b. interproximal tooth surfaces with proxy brushing, and
 - c. interproximal and subgingival surfaces with flossing.
3. (Original) The process of Claim 2, wherein:
 - a. toothbrushing is carried out with a ribbed and grooved toothbrush in combination with a soft abrasive containing toothpaste, wherein the combination physically works soft abrasive into supragingival plaque,
 - b. proxy brushing interproximal spaces not reached with toothbrushing is carried out with a ribbed and grooved bristled

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- proxy brush in combination with a soft abrasive containing proxy gel, wherein the combination physically works soft abrasive into interproximal biofilms, and
- c. flossing subgingival and interproximal spaces not reached by toothbrushing and proxy brushing is carried out with an interproximal and subgingival flossing device containing releasable soft abrasive, wherein said device physically works released soft abrasives into interproximal and subgingival biofilms.
4. (Original) The process of Claim 3, wherein said proxy gel contains a therapeutic substance selected from the group consisting of fluoride, cetyl pyridinium chloride, triclosan, chlorhexidine digluconate, metronidazole, doxycycline, tetracycline, minocycline and mixtures thereof.
5. (Original) The process of Claim 3, wherein said flossing device contains a releasable therapeutic substance selected from the group consisting of fluoride, cetyl pyridinium chloride, triclosan, chlorhexidine digluconate, metronidazole, doxycycline, tetracycline, minocycline and mixtures thereof.
6. (Original) The process of Claim 3, wherein said flossing device is selected from the group consisting of multifilament floss, texturized multifilament floss, PTFE tape and elastomeric tape.
7. (Original) The process of Claim 2, wherein said proxy gel and said flossing device each contain an inflammation related substance associated with heart disease.
8. (Withdrawn) A system adapted for self-administering soft abrasive onto biofilms on the supragingival, interproximal and subgingival tooth surfaces of periodontal patients with gingival detachment of at least about 3 mm, said

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system comprising two or more devices selected from the group consisting of toothbrushes, proxy brushes and flossing devices and combinations thereof.

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REMARKS

Claims 1-8 were pending in this application. In the Election/Restriction Action dated January 2, 2004, the Examiner requested election of one of two groups:

Group I - "Claims 1-7, are drawn to a process of using, classified in class 514, subclass 656"; or

Group II - "Claim 8 is, drawn to a composition, classified in class 15, subclass 167.1"

By this response, Applicant has elected Group I without traverse. Applicant reserves the right to file an appropriate continuing application directed to the claims of Group II.

Allowance of Group I is respectfully requested.

CERTIFICATE OF FACSIMILE TRANSMISSION

The undersigned hereby certifies that this correspondence was submitted by facsimile in the USPTO on the date shown on Page 1.



Brigid Laffey

Approved for use through 07/31/2008, OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110

Complete if Known

Application Number 10/005,802
Filing Date December 4, 2001
First Named Inventor Dale Brown et al.
Examiner Name Edward J. Webman
Art Unit 1817
Attorney Docket No. 005389/00015

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit
Account
Number 19-0733

Deposit
Account
Name Banner & Witcoff, LTD.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
0	0	0	0
Independent Claims	0	0	0
Multiple Dependent		0	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

*for number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 110)

SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone	Date
Ernest V. Linek	29,822	817-720-9600	February 6, 2004
Signature			

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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